

To: All Bannockburn Owners:

Enclosed please find the most recent revision to the proposed Amended and Restated Declaration, which includes the Bannockburn Protective Covenants, for the Bannockburn Homeowners Association (BHOA), hereinafter referred to as the “proposed Covenants”. The proposed Covenants address extensive changes and revisions in Colorado law, resolve ambiguities in the current governing documents and reflect the vision for the future of the community. The proposed Covenants have been reviewed by Orten Cavanagh Holmes & Hunt, LLC and their recommended changes have been incorporated as appropriate.

The Board of Directors (BOD) of the BHOA is advancing this copy of the proposed Covenants to you for your review, prior to Resident Owners’ receipt of the ballot to approve or disapprove the proposed Covenants, being mailed later this month. Because the existing Covenants require that completed ballots be **received by the BHOA Secretary within 21 days of ballot mailing**, the BOD wishes to give all Owners adequate time to review the proposed Covenants prior to Resident Owners receiving the ballot.

The proposed Covenants are accompanied by a summary of the changes between the current Covenants and the proposed Covenants to help facilitate your review.

Covenant Amendments must be approved by 66 & 2/3% of Resident Owners and we need each Resident Owner to cast your vote. As mentioned above, it is imperative that the BHOA Secretary **receive** your ballot in-hand within 21 days of the ballot mailing date. According to these requirements, even ballots postmarked by the deadline cannot be counted unless received by the BHOA Secretary on that date. Any ballot not received by the BHOA Secretary by this deadline will not be counted.

Due to the fact that we are limited by the US Postal Service on the BHOA outgoing mail, as well as on the incoming mail for ballots being mailed back, we respectfully request that you review the proposed Covenants before receiving your ballot. Once you receive the ballot, complete it, and return the ballot to the BHOA using one of the following options:

- Mail the completed ballot in the included preaddressed, postage prepaid envelope; or
- Scan the completed ballot and email your ballot electronically to the BHOA Secretary at mrozeboom@bannockburnhoa.org; or
- Physically deliver the completed ballot to the BHOA Secretary at 10418 Tanglewood Road.

Below is a schedule of important dates as it relates to the ballots and voting for the proposed Covenants.

Ballot Vote Activity Schedule	Date
Ballots are mailed to Bannockburn Resident Owners	Mon 9/20/2021
Final day to submit completed ballots to BHOA Secretary	Mon 10/11/2021
Ballot results tallied by Ballot Counting Committee	Tue 10/12/2021
BHOA Board Monthly Meeting to confirm ballot results	Wed 10/13/2021
BHOA Annual Meeting, announce ballot results publicly	Sat 10/16/2021

Thank you in advance for your time and consideration of these important matters.

Bannockburn Homeowners Association
Board of Directors

The following outline summarizes the key changes to the proposed Amended and Restated Declaration from the Bannockburn Protective Covenants dated September 18, 2012.

RECITALS (New section)

- Added statement that the Original Declaration created a “Pre July 1, 1992” common interest community subject to certain portions of the Colorado Common Interest Ownership Act (“CCIOA”) listed in C.R.S. § 38-33.3-117 and that other “Post July 1, 1992” provisions of CCIOA are not adopted by this Declaration.

ARTICLE I – PURPOSE OF THE COVENANTS

- No changes.

ARTICLE II – DEFINITIONS

- Added new definitions and revised existing definitions to clarify meanings of terms used throughout the Declaration.

ARTICLE III – BANNOCKBURN HOMEOWNERS ASSOCIATION FILINGS 1 – 6

- Clarified Membership and Voting. Per Colorado law all Owners are permitted to vote regardless of residency.
- Added new sections on Enforcement, Right to Notice and Comment, Obligation to Pay Common Expense Assessments, Purpose of Assessments, Apportionment of Common Expenses, Annual Assessments, Special Assessments, Special Lot Assessments, Lien Priority, Reserves/Surplus, Effect of Non-Payment of Assessments, No Waiver of Abandonment, Recording of the Original Declaration was Notice, and finally, Fees, Fines, Penalties, Late Charges and Interest.
Note: The new sections address extensive changes and revisions to Colorado law and add transparency on why, how and when assessments are made.

ARTICLE IV – ENVIRONMENTAL COMMITTEE AND PROCEDURES

- Moved Approvals section from ARTICLE VI to ARTICLE IV. Article IV is a more appropriate location.
- Added new sections on Enforcement and Notice of Noncompliance.
- Changed “Resident Owner” to “Owner” in the Variances section. Per Colorado law all Owners are permitted to vote regardless of residency.
- Added statement to the Variance section noting that cost of the Variance mailing is to be paid by Variance requestor.
- Added clarifying text to the Bannockburn Homeowners Association and its Agents not Liable section. Expanded the list of those not liable for Environmental Committee approvals and disapprovals to the Association, which includes all Association members, individual Board members, officers and committee members.
- Removed Written Records section. Records retention requirements are documented in the Records Retention Policy document as required by Colorado law.

ARTICLE V – GENERAL RESTRICTIONS ON ALL LOTS AND TRACTS

- Added sections on Plan of Development; Applicability; Effect, Owners’ Acknowledgement, Rights of Owners.
- Animals: Revised section to improve readability only.
- Refuse and Rubbish: Expanded description of what is considered Refuse and Rubbish.
- Fencing: Revised section to improve readability only.
- Businesses: Updated text to match Douglas County Zoning Resolution.
- Added sections for Nuisances, No Noxious or Offensive Activity, No Annoying Sounds or Odors.

- Moved and expanded Single Family Use Only section from Article VI to Article V.
- Added No Hazardous Activities section and moved restrictions on discharging firearms and open fires from Article VI to this section.

ARTICLE VI – RESTRICTIONS ON RESIDENTIAL TRACTS

- Moved section on Approvals to ARTICLE IV.
- Building Location: Expanded location considerations for building and other Improvement locations.
- Tract Landscape Development: Added grass/wildflower mix as a reseeding option.
- Exterior Lighting: Added text to encourage Dark Sky Friendly lighting fixtures to minimize light pollution.
- Roofing: Revised section to improve readability only.
- Exterior finish siding: Revised section to improve readability only.
- Land Uses: Open fire and discharging of firearms restrictions moved to Article V.
- Single Family Dwelling: Section moved to Article V.
- Commercial Vehicle: Added definition of Commercial Vehicles. Added allowance of Commercial Vehicles that are parked within a fully enclosed structure.
- Moved Private Roads, Lanes or Driveways restriction from Article VIII to Article VI.

ARTICLE VII – RESTRICTIONS ON COMMON OPEN AREAS AND COMMUNITY TRACTS (Sep 18, 2012 version)

- This Article was removed because the Bannockburn Homeowners Association does not own any common open areas nor community tracts.

ARTICLE VIII – EASEMENTS (Sep 18, 2012 version)

- Removed Irrigation and Drainage Easements and Rights of Way. Blank restriction.
- Removed Easements on Common Area for Private Roads or Lanes. Bannockburn Homeowners Association does not own any common areas. Requirement for Environmental Committee permission to construct or use private roads or lanes moved to Article VI.

ARTICLE VIII – INSURANCE

- Added new Article to document required insurance policies and liability coverage amounts.
Note: Bannockburn Homeowners Association does carry liability insurance but requirements are currently not documented in any of the Governing Documents.

ARTICLE IX – ENFORCEMENT (Sep 18, 2012 version)

- Moved enforcement-related actions to Articles III and IV.

ARTICLE IX – GENERAL PROVISIONS (ARTICLE X in Sep 18, 2012 version)

- Changed “Resident Owner” to “Owner” in the Amendment and Manner of Voting sections. Per Colorado law all Owners are permitted to vote regardless of residency.